

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TACKERETTE BIGBEE,

Defendant.

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CASE NO. 3:11-00145
Chief Judge Haynes

ORDER

For the reasons stated in open court, the Defendant's motion to suppress the results of the search of his residence (Docket Entry No. 31) is **DENIED**. Based upon the officer's testimony of what they observed, and the controlled and recorded drug buy from the Defendant with a confidential informant, the Court concluded that the state court search warrant was based upon probable cause. Thus, the state court warrants to search the storage area and the Defendant's residence was supported by probable cause.

As to the legality of the Defendant's arrest, the same facts giving rise to the search warrant were known to the officers at the time of the Defendant's arrest just outside his residence on his porch. With the controlled buys inside the Defendant's residence, a warrantless entry into the Defendant's residence is permissible to prevent the destruction of evidence. Brigham City v. Stuart, 547 U.S. 398, 403 (2006). In addition, the officer's testimony was that upon announcement of the officer's presence, at the door of the residence noises were heard inside the house shortly before the Defendant's arrest. The undisputed facts are that this Defendant had a history with local officers of destroying evidence in attempted drug arrests.

For these additional reasons, the Defendant's motion to suppress (Docket Entry No. 31) is **DENIED**.

It is so **ORDERED**.

ENTERED this the 5th day of October, 2012.


WILLIAM J. HAYNES, JR.
Chief United States District Judge